

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Industrial Communications
and Electronics, Inc., et al.

v.

Civil No. 07-cv-00082-JL

Town of Alton

O R D E R

In light of the intervenors' failure to agree to the proposed settlement (see document # 65), the intervenors are ordered to file a memorandum regarding their continued standing in this matter following such a settlement under applicable law. "[A]n intervenor's right to continue a suit in the absence of the party on whose side intervention was permitted is contingent upon a showing by the intervenor that he fulfills the requirements of Art. III." Diamond v. Charles, 476 U.S. 54, 68 (1986) (ruling that a citizen lacked standing to continue to pursue an appeal defending the constitutionality of a state law which the state itself had abandoned); see also United States v. AVX Corp., 962 F.2d 108, 112-120 (1st Cir. 1992) (ruling that citizens' group, though permitted to intervene in government's suit against polluters for cleanup costs under CERCLA, lacked standing to challenge their consent decree resolving the case). The filing will be limited to 15 pages, excluding exhibits, and due on or before **March 16, 2010**. Responses, if any, subject to same

limitation are due **March 23, 2010**. Relief from this schedule, if necessary, should be jointly requested.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: March 9, 2010

cc: Steven E. Grill, Esq.
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Katherine Blackall Miller, Esq.
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